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**CITY OF HOMER  
HOMER, ALASKA**

Novak

**ORDINANCE 07-45(A)(S)**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER,  
ALASKA AMENDING HOMER CITY CODE  
PROVISIONS GOVERNING TELEPHONIC  
PARTICIPATION IN CITY COUNCIL MEETINGS BY  
THE MAYOR AND MEMBERS OF THE COUNCIL.

WHEREAS, AS 44.62.310 authorizes telephonic attendance and participation in meetings of a governmental body by its members; and

WHEREAS, Homer City Code §§ 1.14.080 and 1.14.085 presently provide for such participation, but are in need of revision and reorganization; and

WHEREAS, Homer City Code should also be amended to include the definition of teleconferencing.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Section 1.14.080 of the city code is hereby renumbered as section 1.24.100 and amended to read as follows:

1.24.100 Teleconference participation in meetings. a. Sections 1.24.100 through 1.24.120 govern the telephonic participation of the Mayor and members of the Council at all meetings of the City Council, including all other bodies that are comprised of the Mayor and members of the Council, such as, but not limited to, the Board of Adjustment and an ethics board.

b. The preferred procedure for City Council meetings is that the Mayor and all Council members should be physically present at the designated time and location within the City for the meeting. However, physical presence may be waived and the Mayor and any member(s) may participate in a Council meeting by teleconference, subject to the procedures and limitations provided in sections 1.24.100—1.24.120.

c. A person participating by teleconference shall, while actually on the teleconference, be deemed to be present at the meeting for all purposes. The person shall make every effort to participate in the entire meeting.

d. If the Mayor participates telephonically the Mayor Pro Tem, or the senior Council member in the Mayor Pro Tem's absence, shall preside over and perform all functions of the Mayor at the meeting.

e. "Teleconferencing" means a means used for remote participation by an official for a meeting of the city council which must enable the remote official for the duration of the meeting, to clearly hear the mayor, all councilmembers, the city clerk and

public testimony and to be clearly heard by the mayor, all councilmembers, the city clerk and the public in attendance.

Section 2. Section 1.14.085 of the Homer City Code is renumbered as section 1.24.110 and hereby amended to read as follows:

1.24.110 Teleconference procedures. a. A Mayor or Council member who cannot be physically present for a regularly scheduled Council meeting shall notify the City Clerk at least five days prior to the scheduled time for the meeting of his or her request to participate in the meeting by telephonic means of communication.

b. Three days prior to the scheduled time for the Council meeting, the City Clerk shall notify the Mayor and Council of the person's request to participate by teleconference.

c. At the commencement of the Council meeting a telephonic connection will be established with the person or persons intending to participate telephonically. After a telephonic connection is established the Mayor shall call for a vote of the council on whether the person(s) may or may not participate by telephone. Prior to the vote, the Mayor or Council members may make such inquiries as necessary to make a decision. Only the Council members physically present may vote on the question. The Council's determination is final and not subject to veto or appeal. If a person participates in the meeting telephonically without a ruling from the Council, it shall be deemed to be with the approval of such participation by the Council, and all actions taken by the Council with the participation of all such persons are valid.

d. Sections a. and b. of this section do not apply to special meetings or emergency meetings of the City Council called under §§ 1.14.030 and 1.14.050 of the Homer City Code. A Council member or Mayor who requests to participate in a special or emergency meeting of the City Council must notify the City Clerk before the time scheduled for the start of the meeting. The Clerk will notify the Mayor and Council no later than the commencement of the meeting. After a telephonic connection is established with the person or persons requesting to participate telephonically, a ruling shall be made on the person's participation in the meeting as provided in subsection c. of this section.

e. The means used or a teleconference meeting of the City Council must enable each member appearing telephonically to clearly hear the Mayor, all other Council members, and public testimony at the meeting as well as be clearly heard by all other Council members and members of the public in attendance.

f. The City Clerk shall note in the journal of the proceedings of the City Council all members appearing telephonically.

g. To the extent practicable, materials to be considered by the council shall be made available to those attending by teleconference.

Section 3. A new section 1.24.120 of the Homer City Code is hereby created to read as follows:

1.24.120 Teleconference – limitations. a. All Council members and the Mayor should make all reasonable effort to be physically present for every meeting. Teleconference procedures may not be used as a regular means of attendance at meetings.

b. Participation by teleconference may be denied whenever the physical

presence of the individual is considered essential to effective participation in the meeting or to the proper conduct of the business to be addressed at the meeting.

c. If teleconferencing is denied the individual will be listed as absent.

d. Each Council member and the Mayor may attend a maximum of three City Council meetings by teleconference during the 12 month period commencing November 1 each year.

e. Each Council member and the Mayor may attend additional teleconferences as a special exception if expressly approved for good cause in each instance by a vote of the Council. Good cause may include, but is not limited to absence required for extended medical care needed for the individual or the individual's immediate family.

f. No Council member or the Mayor shall attend by telephonic means:

1. an executive session of the City Council.

2. a hearing on an ethics charge under Chapter 1.18.

Section 4. Homer City Code subsection 1.24.040(g) concerning bylaws for city council procedure is hereby amended to read as follows:

g. Teleconference participation in meetings may be authorized pursuant to sections 1.24.100—1.24.120.

Section 5. This ordinance is of a permanent and general character and shall be included in the city Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA this 26<sup>th</sup> day of November, 2007.

CITY OF HOMER

James C. Hornaday  
JAMES C. HORNADAY, MAYOR

ATTEST:

JO JOHNSON, CMC, CITY CLERK

AYES:

NOES:

ABSTAIN:

ABSENT:

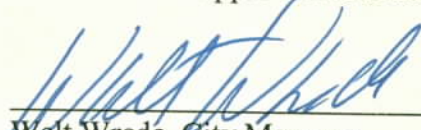
First Reading:

Public Reading:

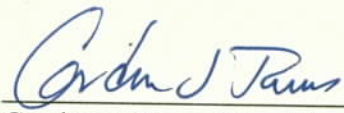
Second Reading:

Effective Date:

Reviewed and approved as to form and content:

  
\_\_\_\_\_  
Walt Wrede, City Manager

12/3/07

  
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Gordon J. Tans, City Attorney